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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2395/2018 and CrI.M.A.34033/2018
RAKESH TIWARY Petitioner

Through: Mr. S.K. Sinha, Advocate
versus

STATE Respondent
Through: Mr. Amit Ahlawat, APP for the State
with Insp. Raj Kumar Saha, SHO PS
New Usmanpur with ASI Suresh
Kumar

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **10.10.2018**

The petitioner was arrested in the case FIR No.1296/2015, registered by Police Station New Usmanpur on 18.12.2015 and has been in custody facing trial, *inter alia*, on the charge for offences punishable under Sections 304-B/498-A/306 read with Section 34 of Indian Penal Code, 1860 (IPC), which were framed on 03.06.2016 on the basis of material submitted with the charge sheet presented in March, 2016. It appears that four other co-accused were arrested subsequently and such arrests and further investigation *qua* them resulted in two supplementary charge sheets being filed in May, 2017 and May, 2018.

Be that as it may, the trial against the petitioner is presently underway. The petitioner had earlier approached this court lastly by Bail Application No.2148/2017 which was withdrawn and dismissed accordingly on 01.08.2018, he having been given liberty to approach the court of Sessions. His application for release on bail primarily on the ground that all the material public witnesses had been examined and sufficient evidence

showing his complicity in the crime had not come up was dismissed by the trial court by order dated 05.09.2018. Thereafter, he has come up to this court with the present application, his prime argument being that the material witnesses who have been examined do not bring out a clear case of harassment for dowry or the unnatural death (by suicide on 15.11.2015 by his wife within two years of marriage, which took place on 17.05.2013) cannot be termed as dowry death.

The learned counsel for the petitioner has taken this court through the testimonies of various witnesses which include Shiv Kumar Mishra (PW-1), Sunila Devi (PW-2), Sneh Kumar (PW-3), Krishan Mohan (PW-4) and Pooja Mishra (PW-7), they being the father, the mother, younger brother, elder brother and sister-in-law (Bhabhi) of the deceased.

On perusal of the said testimonies, it cannot be said that the prosecution has not been able to bring on record any evidence showing complicity of the petitioner in the harassment or cruelty statedly meted out to the deceased, the same being cause of her suicide within 2½ years of the marriage. This court refrains from passing any comment or observations *vis-a-vis* the discrepancies in the evidence which are being referred to by the petitioner, inasmuch as the same might prejudice either side. No case for release on bail at this stage of the process is made out given the nature of accusations and the gravity of the crime involved.

The petition and the application filed therewith stand dismissed.

OCTOBER 10, 2018/vk

BAIL APPLN. 2395/2018

R.K.GAUBA, J.

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